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09/515,589	02/29/2000	Bruce W. Stelman	HELLO-05006	9820

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Thomas B Haverstock
Haverstock & Owens LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 01/29/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/515,589

Applicant(s)

STELMAN, BRUCE W.

Examiner

Walter F Briney III

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner. *
- 10) ☒ The drawing(s) filed on 29 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "**the apparatus**" in line 7 of the claim. There is insufficient antecedent basis for this limitation. For the purpose of this action the examiner assumes the limitation to read "an apparatus."

Claim 20 recites the limitation "**the step of determining**" in line 1 of the claim. This limitation is indefinite because it is not clear which of the previous steps of determining is implied. For the purpose of this action the examiner assumes the limitation applies to the step of determining whether a telephone system communicates signals as digital or analog signals.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 20, and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Deutsch et al. (US Patent 5,577,115).

Claim 17 is limited to **a method of interfacing a telephony appliance to a telephone switching system**. Deutsch discloses an interface recognition unit that determines whether a telephone network is either ISDN (i.e. **digital**) or **analog** (abstract). Deutsch discloses an interface that configures itself according to the detected network, therefore the interface's adaptation serves to **determine** if terminal devices (i.e. **telephony appliances**) operate using digital or analog signals (i.e. **communicate voice as digital or analog signals**) (column 2, line 46-column 3, line 19). Deutsch discloses configuring an interface using an ISDN circuit (i.e. **activating a first signal path through an apparatus...**) when it is determined that the network is an ISDN network (i.e. **when the telephone system communicates voice signals as digital samples**) (column 3, line 56-column 4, line 12). Deutsch discloses, as part of his ISDN circuit (i.e. **the first signal path includes...**), a CODEC that converts digital ISDN signals to analog (i.e. **a converter for converting the digital samples into an analog signal**) (column 4, lines 13-44). Deutsch discloses configuring an interface using an analog circuit (i.e. **activating a second signal path through the apparatus...**) when it is determined that the network is an analog network (i.e. **when the telephone system communicates voice signals in an analog format**) (column 2, line 47-column 3, line 19). The analog signal path includes analog circuitry (i.e. **the**

second signal path includes analog signal processing circuits) (column 4, lines 45-65). Therefore, Deutsch anticipates all limitations of the claim.

Claims 1, 2, 7, 8, 11, and 12 are essentially the same as claim 17 and are rejected for the same reasons.

Claim 20 is limited to **the method according to claim 17**, as covered by Deutsch. Deutsch discloses measuring the power on each line (i.e. **measuring a first voltage supplied by the telephone switching system...**) with a power test circuit and microprocessor (i.e. **to a resistive load**) (figure 2, elements 41 and 42) (column 5, line 9-column 6, line 10). Therefore, Deutsch anticipates all limitations of the claim.

Claim 23 is limited to **the method according to claim 17**, as covered by Deutsch. Deutsch discloses identifying the network the customer premises equipment is connected to (i.e. **identifying a communication protocol utilized by the telephone switching system**) (abstract). Therefore, Deutsch anticipates all limitations of the claim.

Claim 24 is limited to **the method according to claim 23**, as covered by Deutsch. Deutsch discloses a switch hook relay that detects when a device is on/off-hook (i.e. **detecting an on-hook/off-hook condition of the telephony appliance**) (column 4, lines 47-52). Therefore, Deutsch anticipates all limitations of the claim.

Claims 4 and 14 are essentially the same as claim 24 and are rejected for the same reasons.

Claim 25 is limited to **the method according to claim 24**, as covered by Deutsch. Deutsch discloses providing hook status signals to the network (i.e.

providing an indication of the on-hook/off-hook condition of the telephony appliance to the telephone switching system...) when in the analog mode (i.e. **in accordance with the identified protocol**) (column 4, lines 47-52). Providing hook status signals to a network includes a transition from **an on-hook condition to an off-hook condition**. Therefore, Deutsch anticipates all limitations of the claim.

Claims 5 and 15 are essentially the same as claim 25 and are rejected for the same reasons.

Claim 26 is limited to **the method according to claim 24**, as covered by Deutsch. Deutsch discloses providing hook status signals to the network (i.e. **providing an indication of the on-hook/off-hook condition of the telephony appliance to the telephone switching system...**) when in the analog mode (i.e. **in accordance with the identified protocol**) (column 4, lines 47-52). Providing hook status signals to a network includes a transition from **an off-hook condition to an on-hook condition**. Therefore, Deutsch anticipates all limitations of the claim.

Claims 6 and 16 are essentially the same as claim 26 and are rejected for the same reasons.

Claim 10 is rejected for the same reasons applied in both claims 25 and 26 together.

Claim 3 is limited to **the method according to claim 1**, as covered by Deutsch. Deutsch discloses connecting terminal devices to a telephone network, thus providing communication for all telephone signals (i.e. **wherein the signal path is utilized for communicating voice and control signals between the telephony appliance and**

the telephone switching system) (column 2, line 47-column 3, line 19). Therefore, Deutsch anticipates all limitations of the claim.

Claims 9 and 13 are essentially the same as claim 3 and are rejected for the same reasons.

Claim 27 is essentially the same as claim 17, as covered by Deutsch, with the further limitation of **translating a communication according to the communication protocol of the switching system and further according to the communication protocol of the telephony appliance**. Deutsch discloses a CODEC (figure 1b, element 20) that **translates** digital ISDN signals (i.e. **according translating a communication according to the protocol of the switching system...**) into analog signals used by terminal devices (i.e. **and the telephony appliance**) (figure 1b, elements 22 and 27) (column 4, lines 13-44). Therefore, Deutsch anticipates all limitations of the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutsch in view of Gutzmer (US Patent 5,555,300).

Claim 19 is limited to **the method according to claim 17**, as covered by Deutsch. Deutsch discloses detecting an analog network and connecting the appropriate power lines to support the analog network (i.e. **adapting the second signal path according to requirements of the telephone switching system**). Therefore, Deutsch anticipates all limitations of the claim with the exception of **adjusting an amplification level**. Gutzmer teaches to adapt the microphone amplification level of a telephone based on the detection of a telephone dial tone (i.e. **according to a level of a dial tone provided by the telephone switching system**) thus providing a voice signal with maximum signal strength and minimum distortion (column 2, lines 14-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the amplification level of the handset microphone of Gutzmer by the method as taught by Gutzmer for providing a voice signal with maximum strength and minimum distortion.

Claim 18 is rejected for the same reasons as claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Application/Control Number: 09/515,589

Page 8

Art Unit: 2644

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

WFB
1/23/04



MINSUN OH HARVEY
PRIMARY EXAMINER